

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. 3:05-cv-267-JKS
)	
Plaintiff,)	<u>DECREE OF FORFEITURE</u>
)	
v.)	
)	
\$93,000.00 IN UNITED STATES)	
CURRENCY, \$6,324.40 HELD IN)	
WELLS FARGO BANK ACCOUNT)	
NUMBER 1013062045, \$3,413.63)	
HELD IN ENSTAR NATURAL GAS)	
COMPANY ACCOUNT NUMBER)	
5870158, AND \$507.52 HELD IN)	
FIRST NATIONAL BANK ALASKA)	
ACCOUNT NUMBER 70127683,)	
)	
Defendants.)	
<hr style="width: 40%; margin-left: 0;"/>)	

On November 14, 2005, a Verified Complaint for Forfeiture was filed on behalf of the plaintiff, United States of America. The Complaint alleges that the defendant property, \$93,000.00 IN UNITED STATES CURRENCY, \$6,324.40 HELD IN WELLS FARGO BANK ACCOUNT NUMBER 1013062045, \$3,413.63 HELD IN ENSTAR NATURAL GAS COMPANY ACCOUNT NUMBER 5870158, AND \$507.52 HELD IN FIRST NATIONAL BANK ALASKA ACCOUNT NUMBER 70127683 (“Defendant Currency”), constitutes moneys or other things of value furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, and moneys used or intended to be used to facilitate violations of 21 U.S.C. §§ 841, et seq., and is therefore subject to civil forfeiture pursuant to 21 U.S.C. § 881(a)(6).

It appearing that process was fully issued in this action and returned according to law;

The Defendant Currency is now in the custody of the United States Marshals Service;

That on November 14, 2005, William P. Bryson (now deceased), counsel for claimants Michael L. Hamilton and John R. Shook, was served with copies of the Verified Complaint for Forfeiture, the Request for Judicial Issuance of In Rem Warrant of Arrest, and proposed In Rem Warrant via U.S. Mail;

That on December 14, 2005, Mr. Bryson filed an Entry of Appearance and Notice of Claim on behalf of claimant Hamilton;

That on December 14, 2005, Mr. Bryson filed an Entry of Appearance and Notice of Claim on behalf of claimant Shook;

That the deadline for claimants' answers was January 3, 2006, or 20 days after their Notices of Claim of December 14, 2005;

That no answer was served or filed by claimants;

That claimants' counsel, Mr. Bryson, died on January 10, 2006;

That the United States Attorney's Office contacted the trustee counsel for Mr. Bryson, even though Mr. Bryson had missed the deadline to file claimants' answers prior to his death;

That on January 31, 2006, trustee counsel for claimants, Charles A. Dunnagan, was served with notice of this forfeiture action via Certified U.S. Mail, Return Receipt Requested;

That on April 28, 2006, DEA Special Agent Kenneth Solek personally served claimant

Hamilton with the notice of this forfeiture action via personal delivery at 450 E. Railroad in Wasilla;

That several unsuccessful attempts were made to personally serve claimant Shook with the notice of this forfeiture action via Certified U.S. Mail, Return Receipt Requested, to the following addresses: 9345 Sun Valley Drive, Wasilla, AK 99654 (returned as undeliverable); 9345 Sun Valley Drive, Wasilla, AK 99567 (returned as undeliverable); and P.O. Box 520651, Big Lake, AK 99652-0651 (returned as unclaimed).

That on April 28, 2006, DEA Special Agent Kenneth Solek attempted to serve claimant Shook with the notice of this forfeiture action via personal delivery at 9345 Sun Valley Drive in Palmer, but claimant Shook refused to open the door and accept service.

That notice of this judicial forfeiture action was published in the Frontiersman on February 21, 28, and March 7, 2006.

That on May 12, 2006, Entry of Default was entered by the Clerk as against claimants Hamilton and Shook, and all persons and entities claiming an interest in the Defendant Currency.

That the time for filing has expired, and no other claims or answers have been filed in this action.

Now, therefore, on motion of the plaintiff, United States of America, for a decree of forfeiture, it is hereby

ORDERED, ADJUDGED AND DECREED that the Defendant Currency, \$93,000.00

IN UNITED STATES CURRENCY, \$6,324.40 HELD IN WELLS FARGO BANK ACCOUNT NUMBER 1013062045, \$3,413.63 HELD IN ENSTAR NATURAL GAS COMPANY ACCOUNT NUMBER 5870158, AND \$507.52 HELD IN FIRST NATIONAL BANK ALASKA ACCOUNT NUMBER 70127683, be forfeited to the United States of America, and no right, title, or interest in the property shall exist in any other party. The Defendant Currency shall be disposed of by the United States Marshals Service according to law.

DATED this 12th day of June 2006, in Anchorage, Alaska.

/s/James K. Singleton, Jr.
HON. JAMES K. SINGLETON, JR.
United States District Court Judge